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E-filed: January 11, 2010

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9 IN THE UNITED STATES BANKRUPTCY COURT

10 FOR THE DISTRICT OF NEVADA

11 In re: )  
12 THE RHODES COMPANIES, LLC, aka ) BK-S-09-14814-LBR  
Rhodes Homes, et al., ) Chapter 11  
13 Debtors. )  
14 ) Hearing Date: January 14, 2010  
14 ) Time: 9:00 a.m.  
14 )

15 REQUEST FOR WAIVER OF FILING DISCOVERY PLAN

16 1. **Discovery Plan** - The parties request for a waiver of the requirement to prepare and file a formal  
discovery plan. The parties certify that all discovery can be completed in conformance with the Standard  
Discovery Plan, and that the matter will be ready for trial within 45 days, provided that informal discovery  
can be exchanged by January 14, 2010.

20 2. **Nature of the Case** - The Debtors filed the Debtors' Second Omnibus Objection To Internal Revenue  
Service Claims Pursuant to Section 502(b) of the Bankruptcy Code, Bankruptcy Rules 3003 and 3007 on  
November 17, 2009. At issue in this matter are the following claims filed by the IRS:

23 1. Claim No. 1, as amended filed in Case No. 09-14818 against Apache Framing, LLC in the amount  
of \$74,475.36. The liabilities at issue on the proof of claim are employment taxes for the period ending  
December 31, 2008. The debtor submitted amended employment tax returns to the IRS on November 3,  
2009. The IRS is in the process of reviewing the amended returns.

27 2. Claim No. 7, filed in Case No. 09-14825 against Bravo, Inc. in the amount of \$1,245,683.50. The

1 liabilities at issue on the proof of claim are employment taxes for the last two quarters of the year 2000, all  
2 four quarters of the years 2001 and 2002 and the first two quarters of the year 2003. The United States has  
3 provided the debtor with information with regard to the employment tax liabilities set forth on the proof of  
4 claim and is in the process of providing additional information with regard to the liabilities.

5       3. Claim No. 1, as amended, filed in Case No. 09-14822 against Gung-Ho Concrete LLC in the  
6 amount of \$399.96. The liability at issue is for a penalty that was assessed because the Forms W2 and W3  
7 for the quarter ending December 31, 2005 did not match. The IRS is in the process of providing the debtor  
8 with additional information with regard to the calculation of this penalty.

9       4. Claim No. 23, as amended, filed in Case No. 09-14846 against Rhodes Design and Development  
10 Corporation in the amount of \$5,338.80. The liability at issue is for a penalty due to a late federal  
11 employment tax deposit for the period ending March 31, 2009. The IRS is in the process of providing the debtor  
12 with additional information with regard to the calculation of this penalty.

13       5. Claim No. 10, as amended, filed in Case No. 09-14814 against the Rhodes Companies, LLC in  
14 the amount of \$51.17. The liability at issue is a penalty associated with a federal employment tax deposit  
15 for the period ending December 31, 2007. The IRS is in the process of providing the debtor with additional  
16 information with regard to the calculation of this penalty.

17       3. **July Trials** - A demand for a jury trial has not been made.

18       4. **Additional Pleadings** - There are no counterclaims, cross claims or amendments to the pleadings  
19 expected to be filed.

20       5. **Settlement Conference** - At this time, the parties are cooperatively trying to settle the claims at issue  
21 and are not requesting a settlement conference.

22       6. **Final Pretrial** - The parties request that the omnibus hearing date of February 18, 2010 at 1:30 p.m.  
23 be used as a final pretrial conference to inform the Court what specific issues remain and how much time  
24 is needed for trial.

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1       7. All parties consent to this Court entering a final judgment.

2           DANIEL BOGDEN  
3           United States Attorney

4           /s/ Virginia Cronan Lowe  
5           VIRGINIA CRONAN LOWE  
6           Trial Attorney, Tax Division  
7           U.S. Department of Justice

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Attorneys for United States

/s/ Shirley S. Cho  
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Attorneys for Debtors